

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF BIG)
RIVERS ELECTRIC CORPORATION FROM) CASE NO. 2012-00555
NOVEMBER 1, 2010 THROUGH OCTOBER 31,)
2012)

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On February 28, 2013, Big Rivers Electric Corporation ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motion, Movant states that the materials in question – projected fuel requirements in tons, MCF, gallons and dollars; projected off-system sales kWh and dollars; planned outage schedules for 2013 and 2014; and a bid tabulation sheet – are records generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to its competitors and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). Movant requests that the bid tabulation sheets remain confidential indefinitely because, until Movant changes its bid selection methodology, the public disclosure of the bid tabulation sheet could be used to Movant's competitive disadvantage. Movant requests that the remaining materials be granted confidential treatment for two years.

Having carefully considered the motion and the materials at issue, the Commission finds that:

1. The materials for which Movant seeks confidential treatment are records containing data which are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to its competitors, are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1).

2. The bid tabulation sheet for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection from the date of the Order until Movant changes its bid selection methodology, at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

3. The other materials for which Movant seeks confidential treatment should not be placed in the public record or made available for public inspection for two years from the date of this Order at which time the materials will no longer qualify for the exemption pursuant to KRS 61.878(1)(c).

IT IS THEREFORE ORDERED that:

1. Movant's motion for confidential protection is granted.

2. The bid tabulation sheet for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection from the date of the Order until Movant changes its bid selection methodology, at which time the materials will be placed in the public record. Movant may request that the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

3. The remaining materials for which Movant seeks confidential treatment shall not be placed in the public record nor made available for public inspection for a period of two years from the date of this Order. At the end of this period, the materials

shall be placed in the public record. Prior to the end of this period, the Movant may request that the materials continue to be treated as confidential but must demonstrate that the materials still fall within the exclusions established in KRS 61.878.

4. If Movant objects to the time limits that the Commission has placed on the confidential treatment for the materials in question, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of the period for which the material is afforded confidential treatment and will require Movant to demonstrate a change in circumstances in any subsequent motion for continued confidential treatment of the materials in question after the end of the period set forth in ordering paragraphs 2 and 3.

5. Use of the materials in question in this proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

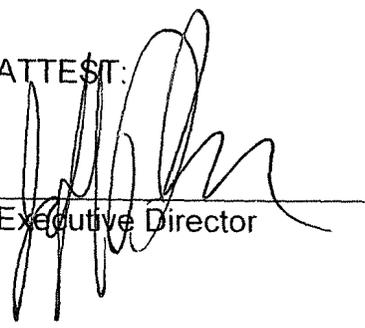
6. Movant shall inform the Commission if the materials in question become publicly available or no longer qualifies for confidential treatment.

7. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

By the Commission

ENTERED ¹¹
MAY 15 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00555

Billie J Richert
CFO, VP Accounting, Rates
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024